

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE CRUZ ARELLANO,

Petitioner,

v.

No. CV 12-0112 MCA/LAM

**RAY TERRY, Warden of Otero County
Processing Center, in his official capacity,
ADRIAN MACIAS, El Paso Field Office
Director, Immigration and Customs Enforcement,
ERIC H. HOLDER, Jr., U.S. Attorney General
in their official capacity,**

Respondents.

ORDER

THIS MATTER is before the Court, *sua sponte* under Rules 1(b) and 4 of the Rules Governing Section 2254 Cases, on Petitioner's *Petition For Writ Of Habeas Corpus And Immediate Release From Custody (Doc. 1)*. In the Petition, Petitioner names his Warden, a District Director of Immigration and Customs Enforcement (Macias), and the United States Attorney General (Holder) as Respondents. [*Doc. 1* at 3-4]. Petitioner asserts that joinder of named Respondents Macias and Holder may be necessary for effecting certain alternative relief in this proceeding. *Id.* at 4. He asks the Court to retain named Respondents Macias and Holder as parties. *Id.* The Court will order an answer to Petitioner's Petition, including briefing on the issue of proper Respondents in this proceeding.

IT IS THEREFORE ORDERED that the Clerk is directed to forward copies of this Order to Respondent Ray Terry, Warden, at Otero County Processing Center, 26 McGregor Range Rd.,

Chaparral, NM 88081, and to the United States Attorney for the District of New Mexico,¹ with copies of Petitioner's *Petition For Writ Of Habeas Corpus And Immediate Release From Custody* (*Doc. 1*) and supporting papers and exhibits, if any;

IT IS FURTHER ORDERED that, **within twenty-three (23) days from entry of this Order**, Respondents answer Petitioner's *Petition For Writ Of Habeas Corpus And Immediate Release From Custody* (*Doc. 1*). Respondents are directed to include in the Answer a statement of its position, with supporting legal argument, on the issue of proper Respondents in this proceeding.

IT IS FURTHER ORDERED that, **no later than fourteen (14) days after an Answer is filed**, Petitioner may file a reply brief on the issue of proper Respondents.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE

¹Service on Defendants Macias and Holder is accomplished by delivering a copy of the complaint to the United States Attorney for the district where the action is brought. *See* Fed. R. Civ. P. 4(i)(2).